

Meeting Minutes
June 16, 2005

Town of Los Altos Hills
City Council Special Meeting

Thursday, June 16, 2005 5:00 P.M.
Town Hall Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor O'Malley called the City Council Special Meeting to order at 5:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Mike O'Malley, Mayor Pro Tem Breene Kerr, Councilmember Craig A. T. Jones, Councilmember Jean Mordo and Councilmember Dean Warshawsky

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Administrative Services Director Sarah Joiner, City Engineer/Public Works Director Henry Louie and City Clerk Karen Jost

Mayor O'Malley clarified that due to the unusual timing of the meeting, Council would recognize Presentations from the Floor at 5:30 p.m. and 6:30 p.m.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Mordo and passed unanimously to limit the length of time for public comments to three minutes.

1.1 Reorganization of Council

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Jones and passed by the following roll call vote to appoint Mayor Pro Tem Breene Kerr to the City Council position of Mayor of Los Altos Hills.

AYES: Mayor O'Malley, Mayor Pro Tem Kerr, Councilmember Jones, Councilmember Mordo and Councilmember Warshawsky

NOES: None

ABSENT: None

ABSTAIN: None

Mayor Kerr presented former Mayor O'Malley with a gavel and plaque in recognition of his service to the Town and tenure as Mayor.

Mayor Kerr called for nominations for Mayor Pro Tem.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed by the following roll call vote to appoint Councilmember Dean Warshawsky to the position of Mayor Pro Tem.

AYES: Mayor Kerr, Councilmember Jones, Councilmember Mordo,
Councilmember O'Malley and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

2. APPOINTMENTS AND PRESENTATIONS

2.1 Certificates of Appreciation – New Town Hall Committee

Mayor Kerr clarified that the Certificates of Appreciation would be presented during the New Town Hall Dedication Ceremony scheduled to immediately precede the City Council Special Meeting at 7:00 p.m.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to recognize the New Town Hall Committee membership with Certificates of Appreciation. Committee Members included: Mayor Kerr, Chair; former Mayor O'Malley; Mayor Pro Tem Warshawsky; Councilmember Mordo; Planning Commissioner Carl Cottrell; Planning Commissioner William Kerns; residents Jim Downey; Vicki Oldberg; John Radford and Al Whaley.

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that the Planning Commission had not meet prior to tonight's Council Meeting. Their next scheduled meeting was June 23, 2005 and the draft annexation policy that Council had charged staff to develop would be agendized for the Commission's review.

Cahill reported that he had received a letter from the State of California's Office of Planning and Research acknowledging that the Los Altos Hills General Plan was very dated. Cahill suggested that it would be appropriate for the City Council to consider updating the General Plan in conjunction with the other Planning issues that Council had prioritized for review this year.

Cahill provided a status report on current building and planning projects during the past sixty days noting that building permits for nine new residences had been issued and applications for nine new residences had been submitted to the Planning Department.

4. CONSENT CALENDAR

Items Removed: Item 4.3 (staff), Item 4.7 (Warshawsky)

City Attorney Steve Mattas clarified that staff had requested Item 4.3 be removed from the consent calendar for separate consideration due to the contract modifications he had

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by O'Malley and passed unanimously to approve the remainder of the Consent Calendar, specifically:

- Items Removed:

- Mayor Kerr recused himself from consideration of this item and stepped down from the dais. He explained that there was a potential conflict of interest due to his son's impending summer employment by TBI Construction.

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City Manager Maureen Cassingham explained that the contract would provide management and maintenance for the new facility. The maintenance was all inclusive and included pest control, solar, general maintenance and landscaping. TBI would monitor the facility daily and work directly with the construction and product installation vendors if any warranty issues should arise. Cassingham noted that with the limited size of the Town Hall staff, the contract was an appropriate solution to maintaining the new asset.

Council concurred that it would be helpful to have TBI Management oversee the maintenance of the new Town Hall since TBI had been the construction project managers. They would revisit the service agreement next year.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to approve the agreement with Toeniskoetter & Breeding, Inc. Development for the Town's Building Maintenance Program and to authorize the City Attorney to approve the final language of the agreement on the indemnification hold harmless clause and the scope/content of the agreement to be approved by the City Manager. Resolution No. 52-05 (vote 4-0 with Kerr abstaining)

4.7 Award of Contract: 2004-2005 Street Rehabilitation, Storm Drain Improvements and Pavement Marking Project

Mayor Pro Tem Warshawsky clarified that he had requested separate consideration of item 4.7 due to the sizable expenditure for the project.

Council requested clarification on the item. Administrative Services Director Joiner explained that the Street Rehabilitation Project had been budgeted for \$800,000.

Councilmember O'Malley noted that the project was part of the Town's ongoing street maintenance program and that streets being rehabilitated were identified by a computer program with fixed criteria. The annual maintenance program ensures that the Town maintains the roads at an acceptable level.

City Engineer/Public Works Director Henry Louie concurred and explained that the roads were selected by the MTC maintenance computer program and personal input played no factor in identifying the roads, however, roads that were in immediate distress or damaged by accidents were added to the project on an as needed basis.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by O'Malley and passed unanimously to approve the Award of Contract: 2004-2005 Street Rehabilitation, Storm Drain Improvements and Improvements and Pavement Marking Project. Resolution No. 55-05 and Resolution No. 56-05

5. UNFINISHED BUSINESS

5.1 Town Goals

Mayor Kerr explained that he had chosen two items; the "Implementation of Strategic Conservation Goals" and "Bringing Public Education Back to the Hills" for Town Goals

that he would like to revisit each meeting. He believed they were both very important issues to the residents of the Town and he would like to monitor their progress during his term as Mayor.

5.1.1 Implementation of Strategic Conservation Goals

Mayor Kerr explained that the Town's Strategic Conservation Goals included the adopted conservation goals for the reduction of energy consumption and water consumption on Town owned property and transportation fuel reduction by Town staff. He noted that the new Town Hall was a key example of the efforts the Town was making in the area of conservation. Kerr added that the newly formed Environmental Initiatives Committee was currently addressing refinement of the adopted goals and the development of additional conservation strategies.

5.1.2 Bringing Public Education Back to the Hills

Mayor Kerr reported that the Los Altos School District had replied to Mayor O'Malley's letter investigating the purchase of the Bullis School site. They confirmed that the property was not for sale.

Kerr explained that bringing public education back to the Town was a concern for all residents and he would like to monitor this goal closely over the next year.

Council concurred with Mayor Kerr's two Town goals and offered several suggestions for additional goals. Councilmember Mordo wished to add the revision of the General Plan. He suggested it be processed concurrently with the review of the Council's priority planning issues (fences and highly visible lots). Councilmember Jones recommended for future consideration, the enhancement of the Parks and Recreation facilities and the reconciliation of development codes consistent with the Council's desire to maintain a rural environment.

Kerr suggested that the additional recommended items be agendaized for Council discussion at a future meeting.

5.2 Town Hall Project Status Report

5.2.1 TBI Update

Mayor Kerr offered that the final project budget would be considered in July.

5.3 Underground Project Status Report

Mayor Pro Tem Warshawsky reported that the project was progressing smoothly. He was pleased to add that the pilot project had created interest in several neighborhoods for the undergrounding of their utilities.

5.4 Report on Communications Regarding the Mayfield Development

City Manager Maureen Cassingham explained that the City Council had before them a report that included communication between the Town and City of Palo Alto regarding the proposed Arastradero traffic lights related to the Mayfield Project. The report had been prepared at the direction of Council at their June 2, 2005 meeting. Cassingham added that the report contained the following additional items: January 6, 2005 Council meeting minutes, report dated May 19, 2005 from the City Engineer/ Public Works Director, letter from Palo Alto City Manager Frank Benest, letter from Mayor O'Malley to Palo Alto Mayor Jim Burch and a copy of an email from Palo Alto Assistant City Manager Emily Harrison that had been provided to staff by resident Kim Cranston. The Harrison email identified project notifications. For Council information, a memo from Planning Director Carl Cahill dated June 10, 2005 which summarized Palo Alto communications with the Town on the project and briefly analyzed the project's land use designations and the Mayfield EIR conclusions and a preliminary map prepared by City Engineer/Public Works Director Henry Louie identifying ownership of rights-of-way along Arastradero Road was attached to the report.

City Manager Cassingham reported that in the interim between Council meetings, she had met with the Palo Alto City Manager on June 9, 2005 to discuss the Mayfield Project and they had reached an agreement. Cassingham reviewed with Council the agreement's key points which included: 1) there would be no widening of Arastradero Road; 2) there would be no signals at Arastradero and Fremont Roads and Arastradero and Deer Creek Roads until absolutely needed; 3) Los Altos Hills and Palo Alto staff would work together on the signals; 4) Palo Alto would involve Los Altos Hills in the Master Plan for Arastradero Road; and 5) Palo Alto would meet with Los Altos Hills neighbors with Town staff convening the meetings. Cassingham noted that she believed this was an effective agreement between the two cities given the EIR's findings for the signal mitigations.

Councilmember Mordo requested clarification on the communications forwarded in the report. He questioned if a letter stating the Council's opposition to the signals had been written by staff following the direction of Council at the January 6, 2005 City Council meeting. Cassingham responded that telephone contact was made with Palo Alto.

Mordo questioned whether the Town had been sent the EIR for the project. Cassingham explained that staff had in their possession copies of the certification of mailings that identified the respective agencies that were mailed the documents and the certification of mailing of notices to residents within 300 feet of the project. She added that the Town had not received anything nor was the Town contacted by any of the surrounding neighbors that had received the notices. The mailings dated back to 2003.

OPENED PUBLIC COMMENT

Kim Cranston, Fremont Road, commented on the report. He questioned if the agreement was in writing and what the specific details were. He cited several examples of what he believed were staff failures. He encouraged the Council to seek legal actions to force

Palo Alto to reopen the comment period on the EIR. Cranston suggested that when it was determined that it was impossible to prevent the installation of the traffic lights, then it would be appropriate to approach Palo Alto for an agreement but he encouraged that it be in writing. He added that he believed the City Council should review staff's actions on the issue as a preventive measure to any further oversights.

Francis Liu, 27241 Fremont Road, read into the record a letter from her husband Vincent regarding the Mayfield Project Agreement. He believed the project would have a very negative affect on his home and the tranquility of the community. Lui's letter requested the City Council to take a strong stand in opposition of the Palo Alto and Stanford agreement.

CLOSED PUBLIC COMMENT

Council discussion ensued. Councilmember O'Malley explained that it was evident that the City of Palo Alto was intent on proceeding with the project and not seeking input from the Town. O'Malley referenced the project's misleading notice for public hearings that had not clearly identified the project but referenced the playing fields on El Camino. However, he believed it was now very important to move forward and to work with Palo Alto to delay the traffic signals. Councilmember Mordo concurred and added that the goal should be to delay the traffic from reaching the point that would require the mitigating traffic signals. Mayor Pro Tem Warshawsky noted that staff was very aware of the important issues and he suggested that Council receive timely communications on the progress of the project. Mayor Kerr added that he was in agreement with Council that traffic mitigation was an appropriate next step in moving forward.

5.5 Request for Approval of Town of Los Altos Hills Pathway CIP 2005

City Engineer/Public Works Director Henry Louie introduced this item to Council. He explained that based on the comments from Council at the June 2, 2005 Council meeting, staff had revised the Draft 2005 Pathway CIP. Louie reviewed the changes with Council, noting that Item 29, Foothill College Path (segment 2), would be completed in Fiscal Year 2005-2006. The project included the installation of a standard path, bike path and non-vehicular bridge.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to approve the Town of Los Altos Hills Pathway CIP 2005.

5.6 Town Entrances and Byrne Preserve Repairs

City Manager Cassingham introduced this item noting that at their June 2, 2005 meeting, the Council had requested an update on the maintenance and repairs at the Town's entrances and Byrne Preserve. Cassingham reported that the Department of Public Works had completed the removal of weeds and performed general clearing and

trimming at the Town entrances at Fremont Road/Arastradero Road and Edith Avenue. Staff was currently working on clearing pathways in the area of El Monte Road, Moody Road and Altamont Road.

Cassingham stated that the City Engineer/Public Works Director had initiated contact with the Chair of the Open Space Committee and membership to finalize the list of the Committee's recommendations and priorities for maintenance items and repairs in Byrne Preserve. Work that could be performed within the fiscal year's budget, including the repair of the footbridges, would be scheduled late in July.

5.7 Status Report on Pathway Obstructions

Planning Director Carl Cahill reported that he had reviewed the minutes of previous Pathway meetings for reported pathway obstructions. During the recent Off-Road Master Path Plan update, several residents did report an off-road pathway in the Matadero Creek subdivision blocked by a locked gate. The Town's Public Safety Officer Steve Garcia followed up on the complaint and had discussed the issue with the property owner. Cahill noted that the issue had been resolved and the lock had been removed from the gate.

Cahill explained that residents are encouraged to report pathway obstructions to the Public Works Director so that appropriate corrective action could be taken. Cahill added that intentional pathway obstructions should be reported to the Town's Code Enforcement Officer.

6. NEW BUSINESS

6.1 Review of City Council Summer Meeting Schedule

Mayor Kerr poled the Council for their summer commitments. Councilmember Jones indicated he would be absent the first Council meeting in July and the second meeting in August. Mayor Pro Tem Warshawsky and Councilmember Mordo would be available for all meetings and Councilmember O'Malley tentatively would be unavailable for the first meeting in September.

Mayor Kerr offered that he was hesitant to cancel any future meetings at this time given the Council obligations to finalize the Town Hall project and the fluid public education issues. Council concurred.

Mayor Kerr suggested that Council discussion regarding the change of their meeting date be scheduled for the July 21, 2005 meeting to permit review by the entire Council. Council concurred.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember Mordo reported that the Finance and Investment Committee had met and were investigating investing a portion of the Town's funds in higher interest rate vehicles.

Mayor Kerr reported that the VTA Board had agreed to work co-operatively on a thirty year plan. He noted that with the addition of a full time City Engineer to the Town's staff, timely submittals have been forwarded to the VTA funding for a variety of street and road projects.

Mayor Kerr explained that following discussions at the Environmental Initiatives Committee, he had encouraged PG&E to include large residential homes in the Savings By Design program. In his most recent contact with PG&E, they acknowledged that they are reviewing the Committee's suggestion/recommendation.

8. STAFF REPORTS

8.1 City Manager

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

9.1 Request for Approval of Green Power Partnership Leadership Awards
Application – Mayor Pro Tem Kerr

Mayor Kerr explained that he believed it was appropriate for the Town to submit an application for the Green Power Leadership Awards considering the successful completion of the solar component of the energy efficient new Town Hall.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to approve submittal of an application on behalf of the Town for the Green Power Leadership Awards.

10. PRESENTATIONS FROM THE FLOOR

OPENED PRESENTATIONS FROM THE FLOOR (5:30 P.M.)

Alice Sakamoto, Simon Lane, commented that she was concerned with the potential loss of a wildlife corridor on a recently fenced large parcel of land in Town. She suggested that it would have been beneficial for impacted neighbors to have been notified during the review process. Sakamoto believed that staff had underestimated the impact of the fence on wildlife access. She requested Council consideration of a policy of neighbor notification prior to the construction of a new fence. Sakamoto also requested that Council revisit the issue of wildlife passage through the recently fenced property.

Kim Cranston, resident, spoke to his similar experience to Ms. Sakamoto regarding the installation of a fence by his neighbor without notice. He suggested that Council consider the requirement of neighbor notification of a fence and staff follow-up on mitigation requirements.

Roger Spreen, Open Space Committee, commented that the Committee had previously offered their concerns regarding wildlife passage corridors. He understood that this issue was to be addressed by the City Council Ad-Hoc Planning Committee and that the Open Space Committee was in the process of engaging a wild life specialist to identify the Town's wildlife corridors but suggested that an emergency interim policy be put in place to ensure that an appropriate wildlife assessment be done prior to the issuance of a permit.

Planning Director Cahill clarified that the fence permit had been issued by staff after it was determined that it was in full compliance with current Town laws and the General Plan which designates open space conservation areas. Cahill noted that the fence avoids these areas. He suggested that it was appropriate to wait for the wild life biologist to map and clearly identify the passage corridors.

Nancy Couperus, Open Space Committee, expressed her concern that staff did not fully investigate the wild life corridor on the property. She explained that surrounding communities were presently having similar discussions relating to wildlife access and fencing. Couperus added that she strongly supported the notification of adjoining neighbors of proposed fences.

Planning Director Cahill explained that the fence in discussion did not encompass the entire perimeter of the parcel and actually enclosed less than forty percent (40%) of the property.

Council directed staff to return to Council with a brief report on the current fence process and possible interim recommendations.

Dot Schreiner, Saddle Mountain Drive, stated that she was pleased to see that Council was entertaining an update to the General Plan. Schreiner noted that two Elements, Housing and Circulation, had been recently updated but the other five Elements were very outdated and no longer relevant. She suggested that there were many new concerns that needed to be addressed. Schreiner provided an overview of the previous attempt to update the General Plan.

CLOSED PRESENTATIONS FROM THE FLOOR

OPENED PRESENTATIONS FROM THE FLOOR (6:30 P.M.)

Former Mayor Bob Fenwick addressed Council. He congratulated them on the splendid new facility and noted that it was a fantastic achievement. Fenwick commented that the innovative building embodied many of the essential elements that he had envisioned for the Town Hall.

Ernest Salomon, Purissima Hills Water District Board, congratulated the Council on the new Town Hall.

CLOSED PRESENTATIONS FROM THE FLOOR

11. PUBLIC HEARINGS

None

Council adjourned to Closed Session at 6:38 p.m.

12. CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL-Anticipated
Litigation (Pursuant to Government Code Section 54956.9(c)) Initiation of Litigation:
One Case

Council reconvened to the Special City Council Meeting at 6:55 p.m.

Council provided direction to staff. No action was taken.

13. ADJOURNMENT

There being no further new or unfinished business, the Special City Council meeting was
adjourned by consensus of the City Council at 6:56 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the June 16, 2005 Special City Council meeting were approved as
presented at the July 7, 2005 Regular City Council meeting.